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6 United States District Court
7 Eastern District of Washington
Before the Hon. Salvador Mendoza Jr.

| | | |
|----|---------------------------|---|
| 8 | United States of America, | No. 4:19-CR-6049-SMJ-1 |
| 9 | Plaintiff, | Motion to Expedite Hearing on |
| 10 | v. | Defendant Castillo's Motion to |
| 11 | Ivan Renteria Castillo. | Dismiss Indictment |
| 12 | Defendant. | May 21, 2020 at 6:00 PM <i>Without oral argument</i> |
| 13 | | |

14 Defendant asks the court to expedite the hearing of Defendant
15 Castillo's Motion to Dismiss Indictment, ECF No. 85. This motion
16 comes before the court pursuant to LR 7.1(h)(2)(C), which states:

17 ...To seek an expedited hearing on a time sensitive matter,
18 the moving party must file a motion to expedite which: 1)
19 demonstrates good cause; 2) states the position of the
opposing pro se party or counsel; and 3) sets a date of
hearing that is not less than 7 days after the motion's
filing.

1 Opposing counsel does not object to expediting the hearing on
2 the Motion to Dismiss (ECF No. 85).

3 Furthermore, good cause exists to consider the motion on an
4 expedited basis. The Government charged Defendant Castillo by
5 complaint on August 14, 2019 with one count of possession with
6 intent to distribute methamphetamine. ECF No. 1. The Grand Jury
7 returned an indictment for the same charge on August 20, 2019.
8 ECF No. 24. The Grand Jury returned a superseding indictment on
9 February 19, 2020. ECF No. 67. This superseding indictment
10 charged Defendant Castillo with two counts: (1) conspiracy to
11 distribute methamphetamine, and (2) possession with intent to
12 distribute methamphetamine. Count two in the superseding
13 indictment is identical to count one in the original indictment.
14 *Compare* ECF Nos. 24 and 67.

15 On March 2, 2020, Defendant Castillo moved the Court to
16 dismiss the indictment against him because the Government
17 violated his Sixth Amendment right to compulsory process by
18 deporting a critical witness, Efrain Carrillo Gonzalez. ECF No. 85.
19 The hearing on that motion was set for oral argument at the pretrial
20 conference, then scheduled for April 2, 2020. ECF Nos. 63, 85. As

1 a result of the COVID-19 pandemic, on March 31, 2020, the Court
2 continued the pretrial conference to April 2, 2020. ECF No. 101.
3 For the same reasons, on April 17, 2020, the Court again continued
4 the pretrial conference to May 13, 2020, but set the hearing on
5 Defendant Castillo's Motion to Dismiss for June 17, 2020. ECF No.
6 103.

7 Without revealing attorney work-product (viz. trial strategy),
8 Defendant Castillo's counsel represents to the Court that the
9 resolution of the Motion to Dismiss is critical to his client's defense.
10 Defendant Castillo's counsel originally sought oral argument
11 through videoconference technology, but later realized the Court's
12 orders did not authorize videoconference hearings for this motion.
13 Good cause exists to expedite the hearing on the Motion to Dismiss
14 so that Defendant Castillo can effectively, adequately, and properly
15 prepare for trial.

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17 X X X

18 X X

19 X

1 The date of hearing for this motion to expedite is seven or more
2 days after the motion's filing.

3
4 Dated: May 14, 2020

5 Respectfully Submitted,

6 s/Adam R. Pechtel
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8 Attorney for Defendant
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1 SERVICE CERTIFICATE

2 I certify that May 14, 2020, I electronically filed the foregoing
3 Motion to Expedite with the District Court Clerk using the CM/ECF
4 System, which will send notification of such filing to the following:

5
6 Stephanie Van Marter, Attorney for Plaintiff

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8
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